# REPORTS ANALYSIS DIVISION REFERRAL

TO

### OFFICE OF GENERAL COUNSEL

DATE: January 10, 2014

ANALYST: Ben Holly

I. COMMITTEE: McCotter Congressional Committee

C00365841

Robert A. Bovitz, Treasurer

P.O. Box 530788

Livonia, MI 48153-0788

II. RELEVANT STATUTES: 2 U.S.C. § 434(b)(2) and (4)

2 U.S.C. § 441a(a) 11 CFR § 102.9(e) 11 CFR § 110.1(b)(3) 11 CFR § 110.2(b)(3)

### III. BACKGROUND:

Excessive, Prohibited and Other Impermissible Contributions (Failure to Refund or Redesignate General Election Contributions within the Permissible Timeframe)

McCotter Congressional Committee ("the Committee") received 2012 General Election contributions from eleven (11) individuals, one (1) partnership, ten (10) multicandidate political action committees (PACs), and one (1) federal candidate committee that were not refunded or redesignated within the permissible timeframe from the date Thaddeus G. McCotter ("the Candidate") announced his decision not to participate in the 2012 Primary Election. The contributions total \$60,500.00 as disclosed on the following reports: 2011 July Quarterly Report; Amended 2011 October Quarterly Report, received February 28, 2012; Amended 2011 Year-End Report, received May 15, 2012; and 2012 April Quarterly Report (Attachment 2).

# 2011 July Quarterly Report

On July 15, 2011, the Committee filed the original 2011 July Quarterly Report covering the period from April 1, 2011 to June 30, 2011 (Image 11931902033). This

report disclosed contributions totaling \$10,500.00 from one (1) partnership on Schedule A supporting Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other Than Political Committees) of the Detailed Summary Page and three (3) multicandidate PACs on Schedule A supporting Line 11(c) (Contributions from Other Political Committees) of the Detailed Summary Page that were designated for the 2012 General Election (Attachment 3).

# 2011 October Quarterly Report

On October 14, 2011, the Committee filed the original 2011 October Quarterly Report covering the period from July 1, 2011 to September 30, 2011 (Image 11952627303). This report disclosed contributions totaling \$23,500.00 from six (6) individuals on Schedule A supporting Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other Than Political Committees) of the Detailed Summary, and three (3) multicandidate PACs and one (1) federal candidate committee on Schedule A supporting Line 11(c) (Contributions from Other Political Committees) of the Detailed Summary Page that were designated for the 2012 General Election (Attachment 3).

On October 17, 2011, October 18, 2011, and February 28, 2012, the Committee filed Amended 2011 October Quarterly Reports that disclosed no changes from the original report (Images 11971633429, 11971655047, and 12950662946, respectively).

# 2011 Year-End Report

On January 25, 2012, the Committee filed the original 2011 Year-End Report covering the period from October 1, 2011 to December 31, 2011 (Image 12970129609). This report disclosed contributions totaling \$16,500.00 from three (3) individuals on Schedule A supporting Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other Than Political Committees) of the Detailed Summary Page and five (5) multicandidate PACs on Schedule A supporting Line 11(c) (Contributions from Other Political Committees) of the Detailed Summary Page that were designated for the 2012 General Election.

On January 31, 2012, the Committee filed an Amended 2011 Year-End Report (Image 12970222696). This report disclosed contributions totaling \$21,500.00 from five (5) individuals on Schedule A supporting Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other Than Political Committees) of the Detailed Summary and five (5) multicandidate PACs on Schedule A supporting Line 11(c) (Contributions from Other Political Committees) of the Detailed Summary Page that were designated for the 2012 General Election (Attachment 3).

On February 28, 2012 and May 15, 2012, the Committee filed Amended 2011 Year-End Reports that disclosed no changes from the previous amendment filed on January 31, 2012 (Images 12950662989 and 12951775101, respectively).

# 2012 April Quarterly Report

On April 13, 2012, the Committee filed the original 2012 April Quarterly Report covering the period from January 1, 2012 to March 31, 2012 (Image 12951405097). This report disclosed contributions totaling \$5,000.00 from two (2) multicandidate PACs on Schedule A supporting Line 11(c) (Contributions from Other Political Committees) of the Detailed Summary Page that were designated for the 2012 General Election (Attachment 3).

On July 6, 2012, the Candidate resigned from Congress and ended his candidacy for the 2012 Primary Election.

On May 17, 2013, a Request for Additional Information (RFAI) referencing the 2012 October Quarterly Report was sent to the Committee. Among other items, the RFAI noted the requirement that the Committee refund or redesignate all 2012 General Election contributions within sixty (60) days of the Candidate's announcement not to seek re-election and requested that the Committee take corrective action (Image 13330031956).

On June 18, 2013, the Committee filed a Miscellaneous Electronic Submission ("Form 99"), which stated, in part:

"I am unable to address item 1 of your letter, as I do not had [sic] access to the records and have been unable to get any answers. The extent of my duties was to make sure the reports were filed...Robert Bovitz, Treasurer..." (Image 13031080470).

On August 12, 2013, the Reports Analysis Division (RAD) Analyst spoke with the Committee Treasurer, Robert Bovitz. The RAD Analyst explained that the contributions designated for the 2012 General Election must be remedied and the issue could be referred for further Commission action if left unresolved. Mr. Bovitz advised the Analyst to contact Mindy Fernandes, the Committee's consultant, or Randall Thompson, the Committee's bookkeeper, about this matter. On the same day, the Analyst spoke with Ms. Fernandes. She advised the Analyst to contact Mr. Thompson. On the same day, the Analyst left a voice mail message for Mr. Thompson and asked that he return the call (Attachment 4).

On August 30, 2013, the RAD Analyst contacted Mr. Thompson. Mr. Thompson explained that there were no funds left in the Committee's account to refund the 2012 General Election contributions referenced in the RFAI. He said he was aware that the Committee's reporting showed a cash balance; however, this was incorrect. It was his understanding that an attorney was working with the Committee to do an internal audit to look into this discrepancy; although, at the present time, the Committee was occupied with litigation against a former campaign staff member. Mr. Thompson said he would call the Analyst back with contact information for the attorney (Attachment 4).

On September 5, 2013, the RAD Analyst spoke with Mr. Bovitz. The Analyst communicated with Mr. Bovitz what Mr. Thompson reported on the current status of the Committee. The Analyst advised Mr. Bovitz to contact Mr. Thompson and submit clarifying information regarding any ongoing Committee issues (Attachment 4).

On September 12, 2013, Mr. Bovitz called back and informed the RAD Analyst that he left a voice mail message for Mr. Thompson, but had not heard back (Attachment 4).

On September 18, 2013, the RAD Analyst called, but was unable to reach Mr. Thompson. The Analyst left a voice mail message and asked that he return the call (Attachment 4).

On September 26, 2013, the RAD Analyst spoke with Mr. Thompson. Mr. Thompson explained that he, not an attorney, would be looking through bank statements and comparing these to the Committee's reports to try and find where the cash discrepancy occurred. The Analyst advised that the Committee submit a Form 99 to clarify this for the public record. Mr. Thompson said he would communicate this to Mr. Bovitz (Attachment 4).

On September 27, 2013, the RAD Analyst spoke with Darlene Ottenbreit, assistant to Mr. Bovitz, who prepared the Committee's reports. She said she would submit clarification regarding the cash on hand reporting discrepancy (Attachment 4).

On October 17, 2013, the Committee filed a Form 99, which stated, in part:

"Please be advised that the Committee has discovered a discrepancy in the cash account. The ending cash on hand was reported as \$22,509.76 per the last report. However, at that point all cash in the bank accounts had been disbursed and in reality there was no cash on hand. The Committee is looking into this further to find when and where this discrepancy began, and will amend the reports as needed" (Image 13031123949).

To date, no further communications have been received from the Committee regarding this matter.

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O-Index (2009-2010)

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McCotter Congressional Committee (C00365841)
2012 General Election Contributions Not Refunded/Redesignated, Listed by Contributor

Name of Contributor	Date of Contribution	Contribution Amount
CITIZENS UNITED POLITICAL VICTORY	Contribution	, xiiiotant
FUND	6/30/2011	\$2,500.00
CITIZENS UNITED POLITICAL VICTORY	0,00,000	<del></del>
FUND.	3/31/2012	\$2,500.00
CULAC- THE PAC OF CREDIT UNION		7-,000
NATIONAL ASSOCIATION	6/22/2011	\$5,000.00
CUMMINS INC POLITICAL ACTION		7,
COMMITTEE (CIPAC)	10/17/2011	\$1,000.00
FERRANTINO, MICHAEL & KELLIE J.	6/26/2011	\$2,500.00
GROWTH AND PROSPERITY POLITICAL		,
ACTION COMMITTEE	9/30/2011	\$2,500.00
HELPPIE, RICHARD D.	9/30/2011	\$1,500.00
INTERNATIONAL UNION OF OPERATING		•
ENGINEERS - ENGINEER PAC	12/23/2011	\$2,500.00
JUNG, JERROLD M.	9/30/2011	\$2,500.00
KOLB, MICHAEL G.	9/29/2011	\$2,500.00
KOWALSKI, A.F.	12/31/2011	\$2,500.00
KOWALSKI, MARISA	12/31/2011	\$2,500.00
KOWALSKI, ROBERT R.	12/31/2011	\$2,500.00
LATOURETTE FOR CONGRESS COMMITTEE	9/30/2011	\$2,000.00
LIGGETT, ROBERT G. JR.	12/31/2011	\$2,500.00
LIGGETT, VICTORIA	12/31/2011	\$2,500.00
MUCKE, CHRISTOPHER A.	9/30/2011	\$2,500.00
NATIONAL AIR TRAFFIC CONTROLLERS		
ASSOCIATION PAC	12/1/2011	\$500.00
NATIONAL ASSOCIATION OF		
CONVENIENCE STORES POLITICAL		
ACTION COMMITTEE	11/18/2011	\$2,500.00
NATIONAL ASSOCIATION OF		
CONVENIENCE STORES POLITICAL		
ACTION COMMITTEE	3/31/2012	\$2,500.00
PHILLIPS, WILLIAM T.	9/30/2011	\$2,500.00
REPUBLICAN MAIN STREET PAC	9/30/2011	\$2,500.00
SHEET METAL WORKERS'		
INTERNATIONAL ASSOCIATION POLITICAL		
ACTION LEAGUE	6/30/2011	\$500.00
THE FREEDOM PROJECT PAC	9/30/2011	\$2,500.00
THE FREEDOM PROJECT PAC	12/30/2011	\$2,500.00
TROTT, DAVID	9/30/2011	\$2,500.00
Total Amount Not Refunded/Redesignated		\$60,500.00

McCotter Congressional Committee (C00365841)
2012 General Election Contributions Not Refunded/Redesignated, Listed by Report

Name of Contributor	Date of	Contribution
2011 Tule Out to 1. T	Contribution	Amount
2011 July Quarterly F	keport	
CITIZENS UNITED POLITICAL VICTORY	C/20/2011	#2 500 00
FUND	6/30/2011	\$2,500.00
CULAC- THE PAC OF CREDIT UNION	6/00/0011	<b>#</b> 5.000.00
NATIONAL ASSOCIATION	6/22/2011	\$5,000.00
FERRANTINO, MICHAEL & KELLIE J.	6/26/2011	\$2,500.00
SHEET METAL WORKERS'		
INTERNATIONAL ASSOCIATION POLITICAL	<i></i>	****
ACTION LEAGUE	6/30/2011	\$500.00
Subtotal:		\$10,500.00
Amended 2011 October Quarterly Re	port, received 2/	28/12
GROWTH AND PROSPERITY POLITICAL		
ACTION COMMITTEE	9/30/2011	\$2,500.00
HELPPIE, RICHARD D.	9/30/2011	\$1,500.00
JUNG, JERROLD M.	9/30/2011	\$2,500.00
KOLB, MICHAEL G.	9/29/2011	\$2,500.00
LATOURETTE FOR CONGRESS COMMITTEE	9/30/2011	\$2,000.00
MUCKE, CHRISTOPHER A.	9/30/2011	\$2,500.00
PHILLIPS, WILLIAM T.	9/30/2011	\$2,500.00
REPUBLICAN MAIN STREET PAC	9/30/2011	\$2,500.00
THE FREEDOM PROJECT PAC	9/30/2011	\$2,500.00
TROTT, DAVID	9/30/2011	\$2,500.00
Subtotal:		\$23,500.00
Amended 2011 Year-End Report	, received 5/15/12	2
CUMMINS INC POLITICAL ACTION		
COMMITTEE (CIPAC)	10/17/2011	\$1,000.00
INTERNATIONAL UNION OF OPERATING		
ENGINEERS - ENGINEER PAC	12/23/2011	\$2,500.00
KOWALSKI, A.F.	12/31/2011	\$2,500.00
KOWALSKI, MARISA	12/31/2011	\$2,500.00
KOWALSKI, ROBERT R.	12/31/2011	\$2,500.00
LIGGETT, ROBERT G. JR.	12/31/2011	\$2,500.00
LIGGETT, VICTORIA	12/31/2011	\$2,500.00
NATIONAL AIR TRAFFIC CONTROLLERS		
ASSOCIATION PAC	12/1/2011	\$500.00
NATIONAL ASSOCIATION OF		
CONVENIENCE STORES POLITICAL		
ACTION COMMITTEE	11/18/2011	\$2,500.00
THE FREEDOM PROJECT PAC	12/30/2011	\$2,500.00
Subtotal:		\$21,500.00

McCotter Congressional Committee (C00365841)
2012 General Election Contributions Not Refunded/Redesignated, Listed by Report (cont.)

2012 April Q	uarterly Report	
CITIZENS UNITED POLITICAL		
VICTORY FUND	3/31/2012	\$2,500.00
NATIONAL ASSOCIATION OF		
CONVENIENCE STORES		
POLITICAL ACTION COMMITTEE	3/31/2012	\$2,500.00
Subtotal:		\$5,000.00
Total Amount Not Refunded/Redesigna	ted	\$60,500.00